



Reprinted
April 11, 2007

ENGROSSED HOUSE BILL No. 1503

DIGEST OF HB 1503 (Updated April 10, 2007 8:22 pm - DI 104)

Citations Affected: IC 16-35; IC 16-37; IC 25-22.5; IC 31-33; IC 36-2.

Synopsis: Coroners and child deaths. Requires the state department to adopt rules for hospitals and physicians to identify suspicious deaths of children. Requires the medical licensing board to certify a child death pathologist. Allows a local child fatality review team or the statewide child fatality review committee to subpoena documents regarding a death that the team is reviewing. Requires a certified child death pathologist (CCDP) to: (1) consult with the coroner; (2) conduct certain autopsies; and (3) perform certain duties. Requires a coroner to notify a local or the statewide child fatality review team of: (1) certain deaths of children; and (2) a possible SIDS death. Provides procedures if a coroner and CCDP do not agree if an autopsy is necessary of a person less than 18 years of age. Increases the coroners continuing education fee to \$1.75 and raises the fee by \$0.25 in 2013 and every five years thereafter. Provides that a coroner shall file a certificate of death with a county health department within a specified time frame. Removes a provision allowing a coroner to employ the services of the medical examiner system. Requires a coroner to follow the Uniform Anatomical Gift Act concerning organ and tissue procurement. Changes knowingly
(Continued next page)

Effective: July 1, 2007.

**Orentlicher, Summers,
Harris T, Bardon**

(SENATE SPONSORS — LAWSON C, SIMPSON)

January 23, 2007, read first time and referred to Committee on Family, Children and Human Affairs.

February 15, 2007, amended, reported — Do Pass.

February 19, 2007, read second time, amended, ordered engrossed.

February 20, 2007, engrossed.

February 22, 2007, read third time, passed. Yeas 98, nays 0.

SENATE ACTION

March 5, 2007, read first time and referred to Committee on Health and Provider Services.

April 5, 2007, amended, reported favorably — Do Pass.

April 10, 2007, read second time, amended, ordered engrossed.

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or intentionally failing to notify a coroner or law enforcement agency of the discovery of the body of a person who died from violence or in an apparently suspicious, unusual, or unnatural manner from a Class B infraction to a Class A misdemeanor if it is done with intent to hinder a criminal investigation. Makes it a Class D felony for a person, with intent to hinder a criminal investigation and without the permission of a coroner or a law enforcement officer, to knowingly or intentionally alter the scene of death of a person who has died from violence or in an apparently suspicious, unusual, or unnatural manner (current law provides that it is a Class D felony if a person moves or transports the body). Makes it a Class B infraction if a person knowingly or intentionally fails to contact a coroner or law enforcement agency of the discovery of a body of a child less than 1 year old who has died. Makes conforming amendments. Repeals provisions: (1) allowing a coroner to issue a warrant for the arrest of an individual whom the coroner is charging with a felony; and (2) requiring a coroner or a coroner's representative to attend meetings of the commission on forensic sciences when invited.

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Reprinted
April 11, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1503

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-35-7 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]:

4 **Chapter 7. Deaths of Children**

5 **Sec. 1. The state department may receive funds from any source**
6 **and expend the funds for the administration of this chapter.**

7 **Sec. 2. The state department shall adopt rules under IC 4-22-2**
8 **for hospitals and physicians to identify suspicious deaths of**
9 **children who are less than eighteen (18) years of age.**

10 **Sec. 3. (a) The medical licensing board shall adopt rules under**
11 **IC 4-22-2 to certify a child death pathologist and to require special**
12 **training to conduct autopsies on child fatalities.**

13 **(b) A child death pathologist must be a physician:**

14 **(1) who is certified by the American Board of Pathology; and**
15 **(2) who is a forensic pathologist or has received special**

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training in the area of child fatalities.

(c) The medical licensing board must approve an annual training program or provide a training program for certified child death pathologists who are not forensic pathologists concerning new procedures for child death investigations. The medical licensing board may not require a forensic pathologist to participate in the annual training program.

(d) To maintain certification, a child death pathologist who is not a forensic pathologist must complete annual training concerning new procedures for child death investigation that is approved by the medical licensing board under subsection (c). A forensic pathologist is considered qualified as a child death pathologist and the medical licensing board shall issue a forensic pathologist a child death pathologist certificate.

SECTION 2. IC 16-37-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) A local health department may make a charge under IC 16-20-1-27 for each certificate of birth, death, or stillbirth registration.

(b) If the local department of health makes a charge for a certificate of death under subsection (a), ~~a one dollar (\$1)~~ the coroners continuing education fee **described in subsection (d)** must be added to the rate established under IC 16-20-1-27. The local department of health shall deposit any coroners continuing education fees with the county auditor within thirty (30) days after collection. The county auditor shall transfer semiannually any coroners continuing education fees to the treasurer of state.

(c) Notwithstanding IC 16-20-1-27, a charge may not be made for furnishing a certificate of birth, death, or stillbirth registration to a person or to a member of the family of a person who needs the certificate for one (1) of the following purposes:

(1) To establish the person's age or the dependency of a member of the person's family in connection with:

(A) the person's service in the armed forces of the United States; or

(B) a death pension or disability pension of a person who is serving or has served in the armed forces of the United States.

(2) To establish or to verify the age of a child in school who desires to secure a work permit.

(d) The coroners continuing education fee is:

(1) **one dollar and seventy-five cents (\$1.75) after June 30, 2007, and before July 1, 2013;**

(2) **two dollars (\$2) after June 30, 2013, and before July 1,**

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(3) two dollars and twenty-five cents (\$2.25) after June 30, 2018, and before July 1, 2023;

(4) two dollars and fifty cents (\$2.50) after June 30, 2023, and before July 1, 2028;

(5) two dollars and seventy-five cents (\$2.75) after June 30, 2028, and before July 1, 2033;

(6) three dollars (\$3) after June 30, 2033, and before July 1, 2038;

(7) three dollars and twenty-cents (\$3.25) after June 30, 2038, and before July 1, 2043; and

(8) three dollars and fifty cents (\$3.50) after June 30, 2043.

SECTION 3. IC 25-22.5-2-7, AS AMENDED BY P.L.1-2006, SECTION 447, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The board shall do the following:

(1) Adopt rules and forms necessary to implement this article that concern, but are not limited to, the following areas:

(A) Qualification by education, residence, citizenship, training, and character for admission to an examination for licensure or by endorsement for licensure.

(B) The examination for licensure.

(C) The license or permit.

(D) Fees for examination, permit, licensure, and registration.

(E) Reinstatement of licenses and permits.

(F) Payment of costs in disciplinary proceedings conducted by the board.

(2) Administer oaths in matters relating to the discharge of its official duties.

(3) Enforce this article and assign to the personnel of the agency duties as may be necessary in the discharge of the board's duty.

(4) Maintain, through the agency, full and complete records of all applicants for licensure or permit and of all licenses and permits issued.

(5) Make available, upon request, the complete schedule of minimum requirements for licensure or permit.

(6) Issue, at the board's discretion, a temporary permit to an applicant for the interim from the date of application until the next regular meeting of the board.

(7) Issue an unlimited license, a limited license, or a temporary medical permit, depending upon the qualifications of the applicant, to any applicant who successfully fulfills all of the requirements of this article.

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(8) Adopt rules establishing standards for the competent practice of medicine, osteopathic medicine, or any other form of practice regulated by a limited license or permit issued under this article.

(9) Adopt rules regarding the appropriate prescribing of Schedule III or Schedule IV controlled substances for the purpose of weight reduction or to control obesity.

(10) Adopt rules establishing standards for office based procedures that require moderate sedation, deep sedation, or general anesthesia.

(11) Adopt rules that establish:

(A) certification requirements for child death pathologists; and

(B) an annual training program for certified child death pathologists.

(12) Issue a certificate to a qualified child death pathologist.

SECTION 4. IC 31-33-24-7, AS ADDED BY P.L.145-2006, SECTION 287, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) A child fatality review consists of determining:

- (1) whether similar future deaths could be prevented; and
- (2) agencies or resources that should be involved to adequately prevent future deaths of children.

(b) In conducting the child fatality review under subsection (a), the local child fatality review team shall review every record concerning the deceased child that is held by the department.

(c) A local child fatality review team may subpoena records from hospitals, physicians, coroners, and mental health professionals regarding a death the local child fatality review team is investigating.

SECTION 5. IC 31-33-25-7, AS ADDED BY P.L.145-2006, SECTION 288, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) A child fatality review conducted by the statewide child fatality review committee under this chapter must consist of determining:

- (1) whether similar future deaths could be prevented; and
- (2) agencies or resources that should be involved to adequately prevent future deaths of children.

(b) In conducting the child fatality review under subsection (a), the statewide child fatality review committee shall review every record concerning the deceased child that is held by:

- (1) the department of child services; or
- (2) a local child fatality review team.

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(c) The statewide child fatality review committee may subpoena records from hospitals, physicians, coroners, and mental health professionals regarding a death the statewide child fatality review committee is investigating.

SECTION 6. IC 31-33-25-8, AS ADDED BY P.L.145-2006, SECTION 288, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The statewide child fatality review committee consists of the following members appointed by the governor:

- (1) a coroner or deputy coroner;
- (2) a representative from:
 - (A) the state department of health established by IC 16-19-1-1;
 - (B) a local health department established under IC 16-20-2; or
 - (C) a multiple county health department established under IC 16-20-3;
- (3) a pediatrician;
- (4) a representative of law enforcement;
- (5) a representative from an emergency medical services provider;
- (6) the director or a representative of the department;
- (7) a representative of a prosecuting attorney;
- (8) a pathologist with forensic experience who is:
 - (A) certified by the American Board of Pathology in forensic pathology; and
 - (B) licensed to practice medicine in Indiana;
- (9) a mental health provider;
- (10) a representative of a child abuse prevention program; and
- (11) a representative of the department of education.

SECTION 7. IC 36-2-14-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.5. As used in this chapter, "certified child death pathologist" means a physician:

- (1) who is certified by the American Board of Pathology; and
- (2) who has been certified by the medical licensing board under IC 16-35-7-3.

SECTION 8. IC 36-2-14-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.5. A certified child death pathologist shall:

- (1) consult with a coroner concerning a death described in section 6.3(b) of this chapter;
- (2) conduct an autopsy of a child as described in sections 6.3(d) and 6.7(b) of this chapter; and
- (3) perform duties described in section 6.7(e) and 6.7(f) of this

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chapter.

SECTION 9. IC 36-2-14-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Whenever the coroner is notified that a person in the county:

- (1) has died from violence;
- (2) has died by casualty;
- (3) has died when apparently in good health;
- (4) has died in an apparently suspicious, unusual, or unnatural manner; or
- (5) has been found dead;

~~he~~ **the coroner** shall, before the scene of the death is disturbed, notify a law enforcement agency having jurisdiction in that area. The agency shall assist the coroner in conducting an investigation of how the person died and a medical investigation of the cause of death.

(b) The coroner:

(1) shall file ~~with the person in charge of interment~~ a coroner's certificate of death within seventy-two (72) hours after being notified of the death. If the cause of death is not established with reasonable certainty within seventy-two (72) hours, the coroner shall file with the person in charge of interment a coroner's certificate of death, with the cause of death designated as "deferred pending further action". As soon as he determines the cause of death, the coroner shall file a supplemental report indicating his exact findings with the local health officer having jurisdiction, who shall make it part of his official records: **a certificate of death with the county health department or, if applicable, a multiple county health department, of the county in which the individual died, within seventy-two (72) hours after the completion of the death investigation;**

(2) shall complete the certificate of death utilizing all verifiable information establishing the time and date of death; and

(3) may file a pending investigation certificate of death before completing the certificate of death, if necessary.

(c) If this section applies, the body and the scene of death may not be disturbed until the coroner has photographed them in the manner that most fully discloses how the person died. However, a coroner or law enforcement officer may order a body to be moved before photographs are taken if the position or location of the body unduly interferes with activities carried on where the body is found, but the body may not be moved from the immediate area and must be moved without substantially destroying or altering the evidence present.

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(d) When acting under this section, if the coroner considers it necessary to have an autopsy performed, is required to perform an autopsy under subsection (f), or is requested by the prosecuting attorney of the county to perform an autopsy, the coroner shall employ a physician:

- (1) certified by the American board of pathology; or
- (2) holding an unlimited license to practice medicine in Indiana and acting under the direction of a physician certified by the American board of pathology;

to perform the autopsy. The physician performing the autopsy shall be paid a fee of at least fifty dollars (\$50) from the county treasury. ~~A coroner may employ the services of the medical examiner system; provided for in IC 4-23-6-6; when an autopsy is required; as long as this subsection is met.~~

(e) If:

- (1) at the request of:
 - (A) the decedent's spouse;
 - (B) a child of the decedent, if the decedent does not have a spouse;
 - (C) a parent of the decedent, if the decedent does not have a spouse or children;
 - (D) a brother or sister of the decedent, if the decedent does not have a spouse, children, or parents; or
 - (E) a grandparent of the decedent, if the decedent does not have a spouse, children, parents, brothers, or sisters;

- (2) in any death, ~~where~~ two (2) or more witnesses who corroborate the circumstances surrounding death are present; and
- (3) two (2) physicians who are licensed to practice medicine in the state and who have made separate examinations of the decedent certify the same cause of death in an affidavit within twenty-four (24) hours after death;

an autopsy need not be performed. The affidavits shall be filed with the circuit court clerk.

(f) A county coroner may not certify the cause of death in the case of the sudden and unexpected death of a child who is at least one (1) week old and not more than three (3) years old unless an autopsy is performed at county expense. However, a coroner may certify the cause of death of a child described in this subsection without the performance of an autopsy if subsection (e) applies to the death of the child.

SECTION 10. IC 36-2-14-6.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6.3. (a) A coroner shall notify:**

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1 (1) the local child fatality review team; or
 2 (2) if the county does not have a local child fatality review
 3 team, the statewide child fatality review committee;
 4 of each death of a person who is less than eighteen (18) years of
 5 age, or appears to be less than eighteen (18) years of age, and who
 6 has died in an apparently suspicious, unusual, or unnatural
 7 manner.

8 (b) If a child less than eighteen (18) years of age dies in an
 9 apparently suspicious, unusual, or unnatural manner, the coroner
 10 shall consult with a certified child death pathologist to determine
 11 if an autopsy is necessary. If a coroner and the certified child death
 12 pathologist disagree over the need for an autopsy, the county
 13 prosecutor shall determine whether an autopsy is necessary. If the
 14 autopsy is considered necessary, a certified child death pathologist,
 15 forensic pathologist, or a pathology resident acting under the direct
 16 supervision of a child death pathologist or forensic pathologist
 17 shall conduct the autopsy within twenty-four (24) hours. If the
 18 autopsy is not considered necessary, the autopsy shall not be
 19 conducted.

20 (d) If a child death pathologist and coroner agree under
 21 subsection (b), the child death pathologist, forensic pathologist, or
 22 a pathology resident acting under the direct supervision of a child
 23 death pathologist or forensic pathologist shall conduct the autopsy
 24 of the child.

25 (e) If a prosecutor determines an autopsy report described in
 26 this chapter needs to be confidential due to a pending criminal
 27 investigation, the coroner must immediately obtain the approval of
 28 the circuit or superior court of the county to make the report
 29 confidential.

30 SECTION 11. IC 36-2-14-6.7 IS ADDED TO THE INDIANA
 31 CODE AS A NEW SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2007]: Sec. 6.7. (a) This section applies to a
 33 child who:

- 34 (1) died suddenly and unexpectedly;
 35 (2) was less than three (3) years of age at the time of death;
 36 and
 37 (3) was in apparent good health before dying.

38 (b) A certified child death pathologist shall conduct an autopsy
 39 of a child described in subsection (a).

40 (c) A county coroner may not certify the cause of death of a
 41 child described in subsection (a) until an autopsy is performed at
 42 county expense.

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(d) The county coroner shall contact the parent or guardian of a child described in subsection (a) and notify the parent or guardian that an autopsy will be conducted at county expense.

(e) The certified child death pathologist shall:

(1) ensure that a tangible summary of the autopsy results is provided;

(2) provide informational material concerning sudden infant death syndrome; and

(3) unless the release of autopsy results would jeopardize a law enforcement investigation, provide notice that a parent or guardian has the right to receive the preliminary autopsy results; within one (1) week after the autopsy to the parents or guardian of the child.

(f) If a parent or guardian of a child described in subsection (a) requests the full autopsy results of the child, the certified child death pathologist shall provide the full autopsy results to the parent or guardian within thirty (30) days of the request at no cost.

(g) A coroner shall notify:

(1) a local child fatality review team; or

(2) if the county does not have a local child fatality review team, the statewide child fatality review committee; of the death of a child described in subsection (a).

SECTION 12. IC 36-2-14-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) A person who knowingly or intentionally fails to immediately notify the coroner or a law enforcement agency of the discovery of the body of a person who: ~~has died:~~

(1) ~~has died~~ from violence; or

(2) ~~has died~~ in an apparently suspicious, unusual, or unnatural manner; or

(3) ~~has died and is less than one (1) year of age;~~ commits a Class B infraction. **However, the offense is a Class A misdemeanor if it is done with the intent to hinder a criminal investigation.**

(b) A person who, **with the intent to hinder a criminal investigation and** without the permission of the coroner or a law enforcement officer, knowingly or intentionally ~~moves or transports from~~ **alters** the scene of death ~~the body~~ of a person who has died:

(1) from violence; or

(2) in an apparently suspicious, unusual, or unnatural manner; commits a Class D felony.

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SECTION 13. IC 36-2-14-18, AS AMENDED BY P.L.141-2006,
SECTION 113, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2007]: Sec. 18. (a) Notwithstanding
IC 5-14-3-4(b)(1), when a coroner investigates a death, the office of the
coroner is required to make available for public inspection and copying
the following:

- (1) The name, age, address, sex, and race of the deceased.
- (2) The address where the dead body was found, or if there is no
address the location where the dead body was found and, if
different, the address where the death occurred, or if there is no
address the location where the death occurred.
- (3) The name of the agency to which the death was reported and
the name of the person reporting the death.
- (4) The name of any public official or governmental employee
present at the scene of the death and the name of the person
certifying or pronouncing the death.
- (5) Information regarding an autopsy (requested or performed)
limited to the date, the person who performed the autopsy, where
the autopsy was performed, and a conclusion as to:
 - (A) the probable cause of death;
 - (B) the probable manner of death; and
 - (C) the probable mechanism of death.
- (6) The location to which the body was removed, the person
determining the location to which the body was removed, and the
authority under which the decision to remove the body was made.
- (7) The records required to be filed by a coroner under section 6
of this chapter and the verdict and the written report required
under section 10 of this chapter.

(b) A county coroner or a coroner's deputy who receives an
investigatory record from a law enforcement agency shall treat the
investigatory record with the same confidentiality as the law
enforcement agency would treat the investigatory record.

(c) Notwithstanding any other provision of this section, a coroner
shall make available a full copy of an autopsy report, other than a
photograph, video recording, or audio recording of the autopsy, upon
the written request of the next of kin of the decedent or of an insurance
company investigating a claim arising from the death of the individual
upon whom the autopsy was performed. The insurance company is
prohibited from publicly disclosing any information contained in the
report beyond that information that may otherwise be disclosed by a
coroner under this section. This prohibition does not apply to
information disclosed in communications in conjunction with the

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investigation, settlement, or payment of the claim.

(d) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, a video recording, or an audio recording of the autopsy, upon the written request of:

(1) the director of the division of disability and rehabilitative services established by IC 12-9-1-1;

(2) the director of the division of mental health and addiction established by IC 12-21-1-1; or

(3) the director of the division of aging established by IC 12-9.1-1-1;

in connection with a division's review of the circumstances surrounding the death of an individual who received services from a division or through a division at the time of the individual's death.

(e) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, including a photograph, a video recording, or an audio recording of the autopsy, to:

(1) the department of child services established by IC 31-25-1-1, including an office of the department located in the county where the death occurred;

(2) the statewide child fatality review committee established by IC 31-33-25-6; or

(3) a county child fatality review team or regional child fatality review team established under IC 31-33-24-6 by the county or for the county where the death occurred;

for purposes of the entities described in subdivisions (1) through (3) conducting a review or an investigation of the circumstances surrounding the death of a child (as defined in IC 31-9-2-13(d)(1)) and making a determination whether the death of the child was a result of abuse, abandonment, or neglect.

SECTION 14. IC 36-2-14-20 IS AMENDED TO READ AS FOLLOWS: Sec. 20. (a) As used in this section, "autopsy" means the external and surgical internal examination of all body systems of a decedent, including toxicology and histology.

(b) Except as provided in subsection (b) and IC 4-24-4-1, if an Indiana resident:

(1) dies in an Indiana county as a result of an incident that occurred in another Indiana county; and

(2) is the subject of an autopsy performed under the authority and duties of the county coroner of the county where the death occurred;

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1 the county coroner shall bill the county in which the incident occurred
 2 for the cost of the autopsy, including the physician fee under section
 3 6(d) of this chapter.

4 ~~(b)~~ (c) Except as provided in subsection ~~(a)~~ (b) and IC 4-24-4-1,
 5 payment for the costs of an autopsy requested by a party other than the:

6 (1) county prosecutor; or

7 (2) county coroner;

8 of the county in which the individual died must be made by the party
 9 requesting the autopsy.

10 ~~(c)~~ (d) This section does not preclude the coroner of a county in
 11 which a death occurs from attempting to recover autopsy costs from the
 12 jurisdiction outside Indiana where the incident that caused the death
 13 occurred.

14 SECTION 15. IC 36-2-14-22 IS ADDED TO THE INDIANA
 15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2007]: **Sec. 22. A coroner shall follow the**
 17 **procedures set forth in IC 29-2-16 concerning organ and tissue**
 18 **procurement.**

19 SECTION 16. THE FOLLOWING ARE REPEALED [EFFECTIVE
 20 JULY 1, 2007]: IC 36-2-14-12; IC 36-2-14-14.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1503, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Delete page 2.

Page 3, delete lines 1 through 12.

Page 3, delete lines 17 through 19.

Page 3, line 20, delete "2." and insert "1."

Page 3, line 22, delete "3." and insert "2."

Page 3, line 25, delete "4." and insert "3."

Page 4, delete lines 4 through 27.

Page 5, delete lines 17 through 20.

Page 5, line 34, delete "of the regional".

Page 5, line 35, delete "office of the state medical examiner".

Page 5, delete line 42.

Delete page 6.

Page 7, delete lines 1 through 31.

Page 7, line 41, delete "in the".

Page 7, line 42, delete "regional office of the state medical examiner".

Page 8, between lines 18 and 19, begin a new paragraph and insert:

"(e) If a coroner determines an autopsy report described in this chapter needs to be confidential due to a pending criminal investigation, the coroner must obtain the approval of the circuit or superior court of the county to make the report confidential."

Page 8, line 27, delete "in the regional office of".

Page 8, line 28, delete "the state medical examiner".

Page 8, delete lines 37 through 40.

Page 8, line 41, delete "(f)" and insert "(e)".

Page 9, line 9, delete "(g)" and insert "(f)".

Page 9, line 13, delete "(h)" and insert "(g)".

Page 9, delete lines 18 through 42.

Delete pages 10 through 11.

Page 12, delete lines 1 through 2.

Page 12, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 14. IC 36-2-14-18, AS AMENDED BY P.L.141-2006, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) Notwithstanding IC 5-14-3-4(b)(1), when a coroner investigates a death, the office of the coroner is required to make available for public inspection and copying

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the following:

- (1) The name, age, address, sex, and race of the deceased.
- (2) The address where the dead body was found, or if there is no address the location where the dead body was found and, if different, the address where the death occurred, or if there is no address the location where the death occurred.
- (3) The name of the agency to which the death was reported and the name of the person reporting the death.
- (4) The name of any public official or governmental employee present at the scene of the death and the name of the person certifying or pronouncing the death.
- (5) Information regarding an autopsy (requested or performed) limited to the date, the person who performed the autopsy, where the autopsy was performed, and a conclusion as to:
 - (A) the probable cause of death;
 - (B) the probable manner of death; and
 - (C) the probable mechanism of death.
- (6) The location to which the body was removed, the person determining the location to which the body was removed, and the authority under which the decision to remove the body was made.
- (7) The records required to be filed by a coroner under section 6 of this chapter and the verdict and the written report required under section 10 of this chapter.

(b) A county coroner or a coroner's deputy who receives an investigatory record from a law enforcement agency shall treat the investigatory record with the same confidentiality as the law enforcement agency would treat the investigatory record.

(c) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, video recording, or audio recording of the autopsy, upon the written request of the next of kin of the decedent or of an insurance company investigating a claim arising from the death of the individual upon whom the autopsy was performed. The insurance company is prohibited from publicly disclosing any information contained in the report beyond that information that may otherwise be disclosed by a coroner under this section. This prohibition does not apply to information disclosed in communications in conjunction with the investigation, settlement, or payment of the claim.

(d) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, a video recording, or an audio recording of the autopsy, upon the written request of:

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- (1) the director of the division of disability and rehabilitative services established by IC 12-9-1-1;
- (2) the director of the division of mental health and addiction established by IC 12-21-1-1; or
- (3) the director of the division of aging established by IC 12-9.1-1-1;

in connection with a division's review of the circumstances surrounding the death of an individual who received services from a division or through a division at the time of the individual's death.

(e) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, including a photograph, a video recording, or an audio recording of the autopsy, to:

- (1) the department of child services established by IC 31-25-1-1, including an office of the department located in the county where the death occurred;**
- (2) the statewide child fatality review committee established by IC 31-33-25-6; or**
- (3) a county child fatality review team or regional child fatality review team established under IC 31-33-24-6 by the county or for the county where the death occurred;**

for purposes of the entities described in subdivisions (1) through (3) conducting a review or an investigation of the circumstances surrounding the death of a child (as defined in IC 31-9-2-13(d)(1)) and making a determination whether the death of the child was a result of abuse, abandonment, or neglect."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1503 as introduced.)

SUMMERS, Chair

Committee Vote: yeas 10, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1503 be amended to read as follows:

Page 1, line 14, delete ":".

Page 1, line 15, delete "(A)".

Page 1, line 15, delete "or" and insert "**and**".

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Page 1, run in lines 14 through 15.
 Page 2, delete lines 1 through 3.
 Page 3, line 9, delete ":".
 Page 3, line 10, delete "(A)".
 Page 3, line 10, delete "or" and insert "**and**".
 Page 3, run in lines 9 through 10.
 Page 3, delete lines 11 through 13.

(Reference is to HB 1503 as printed February 16, 2007.)

ORENTLICHER

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1503, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 24, delete "age." and insert "**age, and who has died in an apparently suspicious, unusual, or unnatural manner.**".

Page 3, line 25, delete "dies," and insert "**dies in an apparently suspicious, unusual, or unnatural manner,**".

Page 4, line 5, after "must" insert "**immediately**".

Page 4, line 11, delete ", but more than one (1)".

Page 4, line 12, delete "week of age".

Page 4, line 30, delete "full" and insert "**preliminary**".

Page 7, delete lines 26 through 27.

and when so amended that said bill do pass.

(Reference is to HB 1503 as reprinted February 20, 2007.)

MILLER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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SENATE MOTION

Madam President: I move that Engrossed House Bill 1503 be amended to read as follows:

Page 1, line 10, delete "state department" and insert "**medical licensing board**".

Page 1, line 15, delete ":" and insert "**is a forensic pathologist or**".

Page 2, line 1, delete "(A)".

Page 2, line 1, delete "; or".

Page 1, run in line 15 through page 2, line 1.

Page 2, delete line 2.

Page 2, run in lines 1 and 3.

Page 2, line 4, delete "state department" and insert "**medical licensing board**".

Page 2, line 6, after "pathologists" insert "**who are not forensic pathologists**".

Page 2, line 7, after "investigations." insert "**The medical licensing board may not require a forensic pathologist to participate in the annual training program.**".

Page 2, line 8, after "pathologist" insert "**who is not a forensic pathologist**".

Page 2, line 10, delete "state department" and insert "**medical licensing board**".

Page 2, line 11, after "(c)." insert "**A forensic pathologist is considered qualified as a child death pathologist and the medical licensing board shall issue a forensic pathologist a child death pathologist certificate.**".

Page 2, between lines 11 and 12, begin a new paragraph and insert:
"SECTION 2. IC 25-22.5-2-7, AS AMENDED BY P.L.1-2006, SECTION 447, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The board shall do the following:

(1) Adopt rules and forms necessary to implement this article that concern, but are not limited to, the following areas:

(A) Qualification by education, residence, citizenship, training, and character for admission to an examination for licensure or by endorsement for licensure.

(B) The examination for licensure.

(C) The license or permit.

(D) Fees for examination, permit, licensure, and registration.

(E) Reinstatement of licenses and permits.

(F) Payment of costs in disciplinary proceedings conducted by the board.

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(2) Administer oaths in matters relating to the discharge of its official duties.

(3) Enforce this article and assign to the personnel of the agency duties as may be necessary in the discharge of the board's duty.

(4) Maintain, through the agency, full and complete records of all applicants for licensure or permit and of all licenses and permits issued.

(5) Make available, upon request, the complete schedule of minimum requirements for licensure or permit.

(6) Issue, at the board's discretion, a temporary permit to an applicant for the interim from the date of application until the next regular meeting of the board.

(7) Issue an unlimited license, a limited license, or a temporary medical permit, depending upon the qualifications of the applicant, to any applicant who successfully fulfills all of the requirements of this article.

(8) Adopt rules establishing standards for the competent practice of medicine, osteopathic medicine, or any other form of practice regulated by a limited license or permit issued under this article.

(9) Adopt rules regarding the appropriate prescribing of Schedule III or Schedule IV controlled substances for the purpose of weight reduction or to control obesity.

(10) Adopt rules establishing standards for office based procedures that require moderate sedation, deep sedation, or general anesthesia.

(11) Adopt rules that establish:

(A) certification requirements for child death pathologists; and

(B) an annual training program for certified child death pathologists.

(12) Issue a certificate to a qualified child death pathologist."

Page 2, line 23, after "physicians," insert "**coroners**,".

Page 2, line 40, after "physicians," insert "**coroners**,".

Page 3, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 5. IC 31-33-25-8, AS ADDED BY P.L.145-2006, SECTION 288, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The statewide child fatality review committee consists of the following members appointed by the governor:

(1) a coroner or deputy coroner;

(2) a representative from:

(A) the state department of health established by IC 16-19-1-1;

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(B) a local health department established under IC 16-20-2; or
(C) a multiple county health department established under IC 16-20-3;

- (3) a pediatrician;
- (4) a representative of law enforcement;
- (5) a representative from an emergency medical services provider;
- (6) the director or a representative of the department;
- (7) a representative of a prosecuting attorney;
- (8) a pathologist ~~with forensic experience~~ who is:

(A) **certified by the American Board of Pathology in forensic pathology; and**

(B) licensed to practice medicine in Indiana;

- (9) a mental health provider;
- (10) a representative of a child abuse prevention program; and
- (11) a representative of the department of education."

Page 3, line 7, delete "state department" and insert "**medical licensing board**".

Page 3, line 8, delete "IC 16-35-7-4." and insert "**IC 16-35-7-3**".

Page 3, line 15, delete "6.7(a)" and insert "**6.7(b)**".

Page 3, line 16, delete "6.7(f) and 6.7(g)" and insert "**6.7(e) and 6.7(f)**".

Page 3, line 32, delete "the certified" and insert "**the county prosecutor shall determine whether an autopsy is necessary**".

Page 3, delete lines 33 through 40.

Page 3, line 41, delete "committee shall determine if the autopsy is necessary."

Page 3, run in lines 32 and 41.

Page 3, line 42, after "pathologist" insert ", **forensic pathologist, or a pathology resident acting under the direct supervision of a child death pathologist or forensic pathologist**".

Page 4, line 5, after "pathologist" insert ", **forensic pathologist, or a pathology resident acting under the direct supervision of a child death pathologist or forensic pathologist**".

Page 4, line 7, delete "coroner" and insert "**prosecutor**".

Page 7, delete lines 11 through 31.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1503 as printed April 6, 2007.)

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SENATE MOTION

Madam President: I move that Engrossed House Bill 1503 be amended to read as follows:

Page 2, between lines 11 and 12, begin a new paragraph and insert:
 "SECTION 2. IC 16-37-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) A local health department may make a charge under IC 16-20-1-27 for each certificate of birth, death, or stillbirth registration.

(b) If the local department of health makes a charge for a certificate of death under subsection (a), ~~a one dollar (\$1)~~ **the** coroners continuing education fee **described in subsection (d)** must be added to the rate established under IC 16-20-1-27. The local department of health shall deposit any coroners continuing education fees with the county auditor within thirty (30) days after collection. The county auditor shall transfer semiannually any coroners continuing education fees to the treasurer of state.

(c) Notwithstanding IC 16-20-1-27, a charge may not be made for furnishing a certificate of birth, death, or stillbirth registration to a person or to a member of the family of a person who needs the certificate for one (1) of the following purposes:

(1) To establish the person's age or the dependency of a member of the person's family in connection with:

(A) the person's service in the armed forces of the United States; or

(B) a death pension or disability pension of a person who is serving or has served in the armed forces of the United States.

(2) To establish or to verify the age of a child in school who desires to secure a work permit.

(d) The coroners continuing education fee is:

(1) one dollar and seventy-five cents (\$1.75) after June 30, 2007, and before July 1, 2013;

(2) two dollars (\$2) after June 30, 2013, and before July 1, 2018;

(3) two dollars and twenty-five cents (\$2.25) after June 30, 2018, and before July 1, 2023;

(4) two dollars and fifty cents (\$2.50) after June 30, 2023, and before July 1, 2028;

(5) two dollars and seventy-five cents (\$2.75) after June 30, 2028, and before July 1, 2033;

(6) three dollars (\$3) after June 30, 2033, and before July 1, 2038;

(7) three dollars and twenty-cents (\$3.25) after June 30, 2038,

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and before July 1, 2043; and

(8) three dollars and fifty cents (\$3.50) after June 30, 2043."

Page 3, line 8, delete "IC 16-35-7-4." and insert "**IC 16-35-7-3.**".

Page 3, line 15, delete "6.7(a)" and insert "**6.7(b)**".

Page 3, line 16, delete "6.7(f)" and insert "**6.7(e)**".

Page 3, line 16, delete "6.7(g)" and insert "**6.7(f)**".

Page 3, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 7. IC 36-2-14-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Whenever the coroner is notified that a person in the county:

- (1) has died from violence;
- (2) has died by casualty;
- (3) has died when apparently in good health;
- (4) has died in an apparently suspicious, unusual, or unnatural manner; or
- (5) has been found dead;

he the coroner shall, before the scene of the death is disturbed, notify a law enforcement agency having jurisdiction in that area. The agency shall assist the coroner in conducting an investigation of how the person died and a medical investigation of the cause of death.

(b) The coroner:

- (1) shall file with the person in charge of interment a coroner's certificate of death within seventy-two (72) hours after being notified of the death. If the cause of death is not established with reasonable certainty within seventy-two (72) hours, the coroner shall file with the person in charge of interment a coroner's certificate of death, with the cause of death designated as "deferred pending further action". As soon as he determines the cause of death, the coroner shall file a supplemental report indicating his exact findings with the local health officer having jurisdiction, who shall make it part of his official records: a certificate of death with the county health department or, if applicable, a multiple county health department, of the county in which the individual died, within seventy-two (72) hours after the completion of the death investigation;
- (2) shall complete the certificate of death utilizing all verifiable information establishing the time and date of death; and
- (3) may file a pending investigation certificate of death before completing the certificate of death, if necessary.

(c) If this section applies, the body and the scene of death may not be disturbed until the coroner has photographed them in the manner

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that most fully discloses how the person died. However, a coroner or law enforcement officer may order a body to be moved before photographs are taken if the position or location of the body unduly interferes with activities carried on where the body is found, but the body may not be moved from the immediate area and must be moved without substantially destroying or altering the evidence present.

(d) When acting under this section, if the coroner considers it necessary to have an autopsy performed, is required to perform an autopsy under subsection (f), or is requested by the prosecuting attorney of the county to perform an autopsy, the coroner shall employ a physician:

- (1) certified by the American board of pathology; or
- (2) holding an unlimited license to practice medicine in Indiana and acting under the direction of a physician certified by the American board of pathology;

to perform the autopsy. The physician performing the autopsy shall be paid a fee of at least fifty dollars (\$50) from the county treasury. ~~A coroner may employ the services of the medical examiner system, provided for in IC 4-23-6-6, when an autopsy is required, as long as this subsection is met.~~

(e) If:

- (1) at the request of:
 - (A) the decedent's spouse;
 - (B) a child of the decedent, if the decedent does not have a spouse;
 - (C) a parent of the decedent, if the decedent does not have a spouse or children;
 - (D) a brother or sister of the decedent, if the decedent does not have a spouse, children, or parents; or
 - (E) a grandparent of the decedent, if the decedent does not have a spouse, children, parents, brothers, or sisters;
- (2) in any death, ~~where~~ two (2) or more witnesses who corroborate the circumstances surrounding death are present; and
- (3) two (2) physicians who are licensed to practice medicine in the state and who have made separate examinations of the decedent certify the same cause of death in an affidavit within twenty-four (24) hours after death;

an autopsy need not be performed. The affidavits shall be filed with the circuit court clerk.

(f) A county coroner may not certify the cause of death in the case of the sudden and unexpected death of a child who is at least one (1) week old and not more than three (3) years old unless an autopsy is

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performed at county expense. However, a coroner may certify the cause of death of a child described in this subsection without the performance of an autopsy if subsection (e) applies to the death of the child."

Page 3, line 41, delete "determine if" and insert "**determine whether**".

Page 4, line 20, delete "whose death is".

Page 4, line 22, delete "whose death is".

Page 4, line 25, delete "whose death is".

Page 4, line 31, delete "on the subject".

Page 4, line 33, delete "except if" and insert "**unless**".

Page 5, line 5, delete "each" and insert "**the**".

Page 5, line 5, after "death" insert "**of a child**".

Page 5, line 15, after "infraction." insert "**However, the offense is a Class A misdemeanor if it is done with the intent to hinder a criminal investigation.**".

Page 5, line 16, after "who," insert "**with the intent to hinder a criminal investigation and**".

Page 5, line 17, strike "moves or transports".

Page 5, line 18, strike "from".

Page 5, line 18, after "from" insert "**alters**".

Page 5, line 18, strike "the body".

Page 7, line 12, reset in roman "(a)".

Page 7, line 12, after "(a)" insert "**As used in this section, 'autopsy' means the external and surgical internal examination of all body systems of a decedent, including toxicology and histology. (b)**".

Page 7, line 12, reset in roman "Except as".

Page 7, reset in roman lines 13 through 21.

Page 7, line 22, delete "(a) Except" and insert "**(c) Except**".

Page 7, line 22, reset in roman "subsection".

Page 7, line 22, before "and" insert "**(b)**".

Page 7, line 22, reset in roman "and".

Page 7, line 28, delete "(b)" and insert "**(d)**".

Page 7, after line 31, begin a new paragraph and insert:

"SECTION 13. IC 36-2-14-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 22. A coroner shall follow the procedures set forth in IC 29-2-16 concerning organ and tissue procurement.**

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SECTION 14. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2007]: IC 36-2-14-12; IC 36-2-14-14."

(Reference is to EHB 1503 as printed April 6, 2007.)

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